

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PAMELA DANFORD

Plaintiff,

1:12-cv-781-PA

TEMPORARY RESTRAINING ORDER

v.

DUETSCHKE BANK TRUST COMPANY
AMERICAS, AS TRUSTEE FOR THE
CERTIFICATE HOLDERS OF THE
DOVER MORTGAGE CAPITAL 2005-A
CORPORATION GRANTOR'S TRUST
CERTIFICATE SERIES 20065-A,
and RECONTRUST COMPANY, N.A.,

Defendants.

Panner, District Judge.

On May 3, 2012, Judge Simon issued a Temporary Restraining Order and set a show-cause hearing for May 15, 2012. At the May 15, 2012 show-cause hearing, plaintiff stated the foreclosure sale has been reset to May 21, 2012. Plaintiff also outlined his

attempts at properly serving defendants (see docket ## 9-11). Plaintiff still alleges defendants failed to record all assignments of the trust deed in the county land records prior to initiating the foreclosure proceedings. Specifically, plaintiff alleges her loan was deposited into a securitized trust and defendants failed to record the assignments of the beneficial interest in the trust deed from Bank of America, NA to Dover Mortgage Capital, and then from Dover Mortgage Capital to Deutsche Bank Trust Company Americas.

In Oregon, a party initiating non-judicial foreclosure proceedings must record all assignments of the trust deed. ORS 86.735(1); Hooker v. Northwest Trustee Services, Inc., 2011 WL 2119103, *3 (D. Or. May 25) (internal citation omitted; In re McCoy, 2011 WL 477820, at *3-4 (Bankr. D. Or. Feb. 7)); James v. Recontrust Co., et al, 2012 WL 653871, at *19-20 (D. Or. Feb. 29).

Because of the alleged imminent foreclosure sale, and because plaintiff's allegations demonstrate a sufficient likelihood of success on the merits of her claim that defendants did not comply with the recording requirements of the Oregon Trust Deed Act, I extend the Temporary Restraining Order previously issued by Judge Simon. Defendants, and their officers and agents, and other persons in active concert or participation with defendants, who receive actual notice of this order, are

restrained from conducting a foreclosure sale for the following property: 1105 Sunset Avenue, Medford, Oregon, from this day until Friday, May 25, 2012, at 5:00 p.m.

IT IS SO ORDERED.

DATED this 22 day of May, 2012 at 10:30 clock EM.

A handwritten signature in black ink, reading "Owen M. Panner", written over a horizontal line.

Owen M. Panner
United States District Judge